



December 19, 2023

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**VIA ECF**

Honorable Judge Katherine Polk Failla  
United States District Court  
Southern District of New York  
500 Pearl Street – Courtroom 618  
New York, NY 10007

**MEMO ENDORSED**

**Re:           Ralph Taddeo v. Sunbeam Products, Inc., et al**  
**Case 1:23-cv-03415-KPF**  
**Our file # 19793.00007**

Dear Judge Failla:

This firm represents Defendant, Sunbeam Products, Inc., in the above-referenced product liability matter, and we have recently been substituted into this case. The undersigned will serve as lead trial counsel for Sunbeam in this case going forward. We hereby submit this letter application seeking an extension of the discovery scheduling order entered in this case, to allow incoming defense counsel for Sunbeam, to review the discovery exchanged thus far, and confer with the client, and its insurance carrier. Prior to submitting this letter we have secured the consent of Plaintiff's counsel. We are requesting a 30-day adjournment of all deadlines set in the scheduling order, as well as an adjournment of the approaching settlement conference scheduled for January 8<sup>th</sup>.

Below are the dates contained in the current scheduling order, that we are requesting to be adjourned:

- January 4, 2024 – Completion of Discovery adjourned to **February 5, 2024**
- January 8, 2024-Settlement Conference adjourned and to **be rescheduled by Court**
- January 18, 2024-Post-Fact Discovery Conference adjourned and to **be rescheduled by Court**
- February 19, 2024-Expert Discovery adjourned to **March 21, 2024**
- March 19, 2024-Pre-Motion Submissions for Summary Judgment Motions and Motions to Exclude Experts adjourned to **April 19, 2024**

Thank you for considering this request. Should Your Honor require anything further with respect to this application, please contact the undersigned.



Dated: December 18, 2023  
 Garden City, New York

Respectfully submitted,  
 Wilson Elser Moskowitz Edelman & Dicker LLP

A handwritten signature in blue ink, appearing to read 'T. DeMicco'.

Thomas DeMicco

Application DENIED. The Court is troubled by the current dates enumerated in Defendant's letter, which are not consistent with the dates for the close of fact discovery and expert discovery that were clearly laid out in the Court's prior Order, issued August 22, 2023. (Dkt. #20). It is further evident that the parties took no heed of the Court's admonition that no more extensions of these discovery deadlines would be granted, absent exigent circumstances. (*Id.*). The mere substitution of counsel does not, without more, constitute such a circumstance, as incoming defense counsel should have been aware of the existing deadlines agreed upon by the parties and entered by the Court prior to electing to take on the matter.

The parties' mistaken understanding of the deadlines for discovery in this case leaves the Court with no choice but to grant, *nunc pro tunc*, an extension of the fact discovery deadline to **January 4, 2024**, and the expert discovery deadline to **February 19, 2024**. The parties and their counsel are advised that any additional failures to abide by the Court's clear orders risk sanctions.

To the extent that a brief adjournment of the settlement conference would prove fruitful with respect to reaching a negotiated resolution in the matter, the parties may contact the chambers of Judge Aaron to make such a request. To the extent that Judge Aaron grants a brief adjournment, the parties may seek a corresponding adjournment of the post-fact discovery conference. Until that time, the parties should be prepared to move forward with both the settlement conference scheduled for **January 8, 2024**, and the post-fact discovery conference scheduled for **January 18, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket number 28.

Dated: December 20, 2023  
 New York, New York

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA  
 UNITED STATES DISTRICT JUDGE